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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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MARK BALDACCHINO,

Plaintiff,

v.

COUNTY OF EL DORADO, et al.,

Defendants.

Case No. CIV. S-01-1910 MCE DAD

**STIPULATION AND ORDER RE
MODIFICATION OF TIME FOR
HEARING ON DISPOSITIVE
MOTIONS**

Plaintiff Mark Baldacchino (“Plaintiff”) and Defendants County of El Dorado, Jamie Morgan, Jeremy Garrison, Howard Jencks, and Tony Campagna (“Defendants”), by and through their counsel of record, hereby stipulate to the following:

1. **WHEREAS**, Defendants intend to file a Motion for Summary Judgment on or before July 10, 2009.

2. **WHEREAS**, the Court’s May 1, 2008 Pretrial (Status) Scheduling Order (the “Order”) requires that “All dispositive motions...shall be heard no later than **August 10, 2009.**”

3. **WHEREAS**, on July 2, 2009, Defendants’ counsel contacted Stephanie Deutsch, Deputy Courtroom Clerk, to make sure that August 10, 2009 was an available

1 hearing date for their Motion for Summary Judgment. Ms. Deutsch informed Defendants'
2 counsel that August 10, 2009 was not available and that August 13, 2009 was the next
3 available hearing date. Ms. Deutsch also informed Defendants' counsel that July 30, 2009
4 was an available date, but that the date would not allow for the requisite notice period. Ms.
5 Deutsch advised Defendants' counsel that Defendants could, among other things, file a
6 stipulation and proposed order requesting that the hearing cut-off date be extended from
7 August 10, 2009 to August 13, 2009.

8 4. **WHEREAS**, Plaintiff has stipulated to an extension of time for the hearing on
9 Defendants' Motion for Summary Judgment from August 10, 2009 to August 13, 2009.

10 5. **WHEREAS**, the parties agree that good cause exists and that leave of court
11 should be granted to allow a modification of the dispositive motion hearing date by three
12 days, from August 10, 2009 to August 13, 2009.

13 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS**
14 **FOLLOWS:**

15 1. Good cause exists for a modification of the Order to extend the final
16 dispositive motion hearing date by three days from August 10, 2009 to August 13, 2009.

17 2. Dispositive motions shall be heard no later than August 13, 2009.

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1 **IT IS SO STIPULATED.**

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3 Dated: July 6, 2009

CAULFIELD DAVIES & DONAHUE, LLP

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6 By: /s/ Richard H. Caulfield
Richard H. Caulfield
7 Attorney for Defendants

8 Dated: July 14, 2009

LAW OFFICES OF CYRUS ZAL


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11 By: /s/ Cyrus Zal
12 Cyrus Zal
13 Attorney for Plaintiff

14 **ORDER**

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16 Pursuant to the Parties' Stipulation, and good cause appearing therefor, the
17 date for hearing dispositive motions in this matter is hereby extended from August 10, 2009
18 to August 13, 2009. All other dates contained within the Court's May 1, 2009 Pretrial
19 (Status) Scheduling Order remain unchanged.

20 **IT IS SO ORDERED.**

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22 DATED: July 14, 2009

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24 MORRISON C. ENGLAND, JR.
25 UNITED STATES DISTRICT JUDGE
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Baldacchino v. County of El Dorado, et al.
Case Number: CIV-S-01-1910 GEB DAD

AFFIDAVIT OF SERVICE

I, the undersigned, declare that I am a citizen of the United States, over 18 years of age, employed in Sacramento County, and not a party to the within action; my business address is 1 Natoma Street, Folsom, California 95630.

On July 6, 2009, I served a true copy of the document described as **STIPULATION AND ORDER RE MODIFICATION OF TIME FOR HEARING ON DISPOSITIVE MOTIONS** on all parties in said action by sealing it in an envelope addressed to:

Cyrus Zal
CYRUS ZAL, A PROFESSIONAL CORPORATION
102 Mainsail Court
Folsom, CA 95630

Ü (BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Folsom, California. I am familiar with my firm's practice whereby the mail is given the appropriate postage and is placed in a designated area to be deposited in a U.S. Mail box in Folsom, California, in the ordinary course of business.

(BY EXPRESS MAIL) I caused such envelope to be placed in the U.S. Mail depository at Folsom, California.

(BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to addressee as stated in the service list.

(BY FACSIMILE/TELECOPIER/MAIL) I personally sent to the addressee's telecopier number (as stated in the service list) a true copy of the above-described documents.

(BY FEDERAL EXPRESS) I caused such envelope to be placed in a Federal Express depository at Folsom, California.

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct. Executed in Folsom, California, on July 6, 2009.

/s/ Liana J. Igenes
Liana J. Igenes